

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JORGE A. HERNANDEZJR.,

Plaintiff,

vs.

UNION PACIFIC RAILROAD
COMPANY, a Delaware corporation;

Defendant.

4:23CV3212

ORDER

Plaintiff Jorge A. Hernandez Jr. filed this action in the United States District Court for the District of Nebraska on November 8, 2023, alleging violations of the Federal Employers' Liability Act, 45 U.S.C. §§ 51-60. ([Filing No. 1](#)). Defendant Union Pacific Railroad Company has filed a motion to transfer venue pursuant to 28 U.S.C. 1404(a). ([Filing No. 9](#)). Plaintiff resides in Illinois and the alleged injuries occurred while Plaintiff worked in a diesel shop in Chicago. UPRR is headquartered in Nebraska. While venue in this district is therefore proper under 28 U.S.C. § 1391(c)(2), UPRR requests to transfer the matter to the Northern District of Illinois, Eastern Division because of its locus to the incident site and to all known lay and expert witnesses.

Section 28 U.S.C.A. 1404 (a) provides: "For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented." Section 28 U.S.C.A. 1391(b)(2), states a civil action may be brought in a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is subject of the action is situated."

Plaintiff has filed a Notice of Confession of Union Pacific Railroad Company's Motion to Transfer Venue Pursuant to 28 U.S.C. 1404(a) ([Filing No. 16](#)), and this action could have originally been brought in the requested district.

Accordingly,

IT IS ORDERED:

- 1) Defendant's Motion to Transfer ([Filing No. 9](#)), is granted and this case shall be immediately transferred to the United States District Court for the Northern District of Illinois, Eastern Division.

Dated this 3rd day of January, 2024.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge